

prescribed by Section 800 of this Act or, if an appeal has been filed, until the decision of a Referee has been made thereon affirming the decision of the Claims Adjudicator.

C. Any sums recovered under the provisions of this Section shall be treated as repayments to the Director of sums improperly obtained by the claimant.

D. Whenever, by reason of a back pay award made by any governmental agency or pursuant to arbitration proceedings, or by reason of a payment of wages wrongfully withheld by an employing unit, an individual has received wages for weeks with respect to which he has received benefits, the amount of such benefits may be recouped or otherwise recovered as hereinabove provided.

E. The amount recouped pursuant to paragraph 2 of subsection A from benefits payable to an individual for any week shall not exceed 50% of the individual's weekly benefit amount.

Passed in the General Assembly May 27, 1975.

Approved August 26, 1975.

PUBLIC ACT 79-564.

MEDICINE AND SURGERY.

RAPE VICTIMS EMERGENCY TREATMENT ACT—CREATED—
EFFECTIVE DATE.

(House Bill No. 271. Approved August 26, 1975.)

AN ACT requiring hospitals to render emergency hospital service to rape victims who request treatment and providing for reimbursement of costs by the State in certain cases.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short Title. This Act shall be known and may be cited as the "Rape Victims Emergency Treatment Act".

§ 2. Hospitals to furnish emergency service. Every hospital required to be licensed by the Department of Public Health pursuant to the Hospital Licensing Act, approved July 1, 1953, as now or hereafter amended, which provides general medical and surgical hospital services shall provide emergency hospital service, in accordance with rules and regulations adopted by the Department of Public Health, to all alleged rape victims who apply

Changes or additions indicated by *italics* deletions by ~~strikeout~~.

for such hospital emergency services in relation to injuries or trauma resulting from the rape.

§ 3. Community or areawide plan for emergency services to rape victims. A hospital is authorized to participate, in conjunction with one or more other hospitals or health care facilities, in a community or areawide plan for the furnishing of hospital emergency service to alleged rape victims on a community or areawide basis provided each hospital participating in such a plan shall furnish such hospital emergency services as it is designated to provide in the plan agreed upon by the participating hospitals to any alleged rape victim who applies for such hospital emergency services in relation to injuries or trauma resulting from the rape.

§ 4. Community or area wide plans—Submission to department. Community or areawide plans may be developed by the hospitals or other health care facilities in the community or area to be served, and shall provide for the hospital emergency services to alleged rape victims which shall be made available by each of the participating hospitals. All such plans shall be submitted to the Department of Public Health for approval prior to such plan becoming effective. The Department of Public Health shall approve such plan for community or areawide hospital emergency service to alleged rape victims if it finds that the implementation of the proposed plan would provide an adequate hospital emergency service for the people of the community or area to be served.

§ 5. Minimum requirements for hospitals providing emergency service to rape victims. Every hospital providing emergency hospital services to an alleged rape victim under this Act shall, as minimum requirements for such services, provide, with the consent of the alleged rape victim, and as ordered by the attending physician, the following:

(1) appropriate medical examinations and laboratory tests required to ensure the health, safety, and welfare of an alleged rape victim or which may be used as evidence in a criminal proceeding against a person accused of the rape, or both; and records of the results of such examinations and tests shall be maintained by the hospital and made available to law enforcement officials upon the request of the alleged rape victim;

(2) appropriate oral and written information concerning the possibility of infection, venereal disease and pregnancy resulting from rape;

(3) appropriate oral and written information concerning accepted medical procedures, medication, and possible contraindications of such medication available for the prevention or treatment of infection or disease resulting from rape;

Changes or additions indicated by *italics* deletions by ~~strikeout~~.

(4) such medication as deemed appropriate by the attending physician;

(5) a blood test to determine the presence or absence of venereal disease;

(6) written or oral instructions indicating the need for a second blood test 6 weeks after the rape to determine the presence or absence of venereal disease; and

(7) appropriate counseling as determined by the hospital, by trained personnel designated by the hospital.

§ 6. Powers and duties of Department of Public Health. The Department of Public Health shall have the duties and responsibilities required by Section 6.1 through 6.3.

§ 6.1. To prescribe minimum standards, rules and regulations pursuant to the Illinois Hospital Licensing Act approved July 1, 1953, as now or hereafter amended, necessary to implement this Act, which shall apply to every hospital required to be licensed by the Department of Public Health. Such standards shall include, but not be limited to, a uniform system for recording results of medical examinations and all diagnostic tests performed in connection therewith to determine the condition and necessary treatment of alleged rape victims, which results shall be preserved in a confidential manner as part of the hospital record of the patient.

§ 6.2. To assist in the development and operation of programs which provide emergency services to alleged rape victims, and, where necessary, to provide grants to hospitals for this purpose.

§ 6.3. To establish standards, rules and regulations, for the reimbursement to hospitals of costs of providing services to alleged rape victims pursuant to Section 7 of this Act.

§ 7. Hospital charges and reimbursement. When any hospital provides emergency services required under this Act to any rape victim, or to any alleged rape victim as defined by the Department of Public Health pursuant to Section 6.3 of this Act, who is neither eligible to receive such services under The Illinois Public Aid Code nor covered as to such services by a policy of insurance, the hospital shall furnish such service to that person without charge and shall be entitled to be reimbursed for its costs in providing such services by the Department of Public Health which shall include appropriate provisions for this reimbursement program in the rules and regulations promulgated by it under this Act.

§ 8. Penalties. Any hospital violating any provisions of this Act shall be guilty of a petty offense for each violation, and any fine imposed shall be paid into the general corporate funds of the

city, incorporated town or village in which the hospital is located, or of the county, in case such hospital is outside the limits of any incorporated municipality.

§ 9. Nothing in this Act shall be construed to require a hospital to provide any services which relate to an abortion.

§ 10. This Act takes effect January 1, 1976.

Passed in the General Assembly June 2, 1975.

Approved August 26, 1975.

PUBLIC ACT 79-565.

CORPORATIONS—INSURANCE.

NON-PROFIT SERVICE PLAN ACT—VOLUNTARY HEALTH SERVICES PLANS ACT—INSURANCE POLICIES—PROHIBITS EXCLUSION OF COVERAGE TO RAPE VICTIMS—EFFECTIVE DATE.

(House Bill No. 278. Approved August 26, 1975.)

AN ACT to prohibit the exclusion of coverage for the treatment of injuries resulting from rape in accident and health insurance policies and in hospital service plans by amending certain Acts herein named.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Section 13.3 is added to "The Non-Profit Hospital Service Plan Act", approved July 6, 1935, as amended, the added Section to read as follows:

(Ch. 32, new par. 562a.3)

§ 13.3. *No contract issued by a hospital service corporation shall contain any exception, exclusion or reduction from coverage which would preclude the payment of actual expenses incurred in the examination and testing of a victim of rape or attempted rape to establish that sexual contact did occur or did not occur, and to establish the presence or absence of venereal disease or infection, and examination and treatment of injuries and trauma sustained by a victim of rape or attempted rape arising out of the rape or attempted rape.*

§ 2. Section 15.3 is added to "The Voluntary Health Services Plans Act", approved June 27, 1951, as amended, the added Section to read as follows:

LAWS

OF THE
STATE OF ILLINOIS

PASSED BY THE

SEVENTY-NINTH
GENERAL ASSEMBLY

AND APPROVED DURING THE CALENDAR YEAR

1975



NO LAWS WERE PASSED BY
THE 1ST, 2ND OR 3RD SPECIAL SESSIONS

Volume I

PUBLIC ACT 79-1 TO PUBLIC ACT 79-579